

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DARYN S. RICHARDSON,

Plaintiff,

v.

DIKIN, *et al.*,

Defendants.

Case No. 3:25-cv-00115-MMD-CSD

ORDER

*Pro se* Plaintiff Daryn Richardson moves to dismiss this action without prejudice, arguing that he “is still in the administrative remedy process” for his claims “and was misled that his case was ripe for suit.” (ECF No. 5 at 2.) Richardson’s motion is construed as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i). Voluntary dismissals do not require a court order when, like here, no party has served “either an answer or a motion for summary judgment[.]” Fed. R. Civ. P. 41(a)(1)(A)(i).

It is therefore ordered that Plaintiff’s motion to dismiss (ECF No. 5) is construed as a notice of voluntary dismissal under Rule 41(a)(1)(A)(i), and so construed, this action is dismissed without prejudice. Dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, if any claim remains after completing available administrative remedy processes.

It is further ordered that the application to proceed *in forma pauperis* (ECF No. 4) is denied as moot. Plaintiff will not be charged the filing fee for this action.

The Clerk of Court is further directed to enter judgment accordingly and close this case.

DATED THIS 16<sup>th</sup> Day of May 2025.



MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE